

11th March, 2026
Item no.D/L 13
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 2776 of 2026**

In the matter of :
Prasanta Kumar Saha *.... Petitioner*
VS.
Union of India & Ors. *....Respondents*

For the Petitioner:
Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Anirban Saha Roy
Ms. Bipasha Bhattacharyya *....Advocates*

For the Union of India:
Mr. Animesh Mukherjee
Mr. Anish Kumar Mukherjee *....Advocates*

For the Respondent nos. 2-5:
Mr. Emon Bhattacharya *....Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner was an employee of the Indian Telephone Industries Limited (ITI Ltd.) who retired from service on 31st January, 2023.
3. His allegation is that his Provident Fund and Gratuity amount was disbursed at a later date and his Leave Encashment have not been paid till date.
4. The petitioner filed a representation before the authority seeking interest on account of delayed payment of his terminal dues and also for payment of his Leave Encashment. The same has not been considered till date.
5. Reliance has been placed on the orders dated 11th December, 2025 and 29th January, 2026 respectively passed by the Court in **WPA**

27111 of 2025 in the matter of **Ashok Tirkey Vs. Union of India & Ors.** and **WPA 23468 of 2025** in the matter of **Siddhartha Sankar Maitra Vs. Union of India & Ors.** wherein in similar facts and circumstances the Court directed the employer to pay interest on the delayed payment of the terminal dues of the employee.

6. Prayer has been made to pass similar order in respect of the petitioner.
7. Learned advocate representing the employer submits, upon instruction that, the Company relies upon funds to be provided by the Union of India for payment of the terminal dues of the employees.
8. I have heard the submissions made on behalf of all the parties and perused all the records placed before this Court.
9. It appears that, admittedly, the Provident Fund and Gratuity of the petitioner was paid long after the same fell due. Leave Encashment has not been paid till date.
10. It is settled law that the right of a retired employee to get his/her retiral dues on the date of attaining superannuation is a valuable right which accrues in his/her favour on the date of his attaining superannuation. Further, gratuity and pension are no more considered to be a bounty to be handed out by the employer at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment.
11. In the present case, it was the bounden duty of the employer to disburse the gratuity amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is

obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

12. In the aforesaid facts and circumstances the concerned authority of the employer ITI Ltd. is directed to release Leave Encashment benefits by 8 (eight) weeks from the date of communication of this order.
13. In addition thereto, concerned authorities of ITI Ltd. are also directed to pay simple interest @ 6% per annum on Provident Fund, Gratuity and Leave Encashment benefits from the date following the date of superannuation of the petitioner till the date of payment within a period of 3 (three) months from the date of communication of this order.
14. In default of releasing interest in terms of the aforesaid direction within the stipulated time, the respondent authorities shall be liable to pay additional interest of 4%, i.e. 6+4=10% on account of delayed payment of the legal dues of the retired employee.
15. The writ petition stands disposed of.
16. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)